

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IRA KENNEDY, : Civil No. 3:18-cv-2034
: Plaintiff : (Judge Mariani)
: :
V. :
: :
DEB ALVORE, *et al.*, :
: :
Defendants : :

ORDER¹

AND NOW, THIS 7th DAY OF APRIL 2020, upon consideration of Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 33), and in accordance with 28 U.S.C. § 1915(e)(2)(B)(ii), and for the reasons set forth in the Court's Memorandum of the same date, IT IS HEREBY ORDERED THAT:

1. Defendants' motion to dismiss is GRANTED. (Doc. 33). The second amended complaint against Defendants Swartz, Harlow and Varner is DISMISSED WITH PREJUDICE.
2. The second amended complaint against Defendants Canberry and Harry is DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. The Clerk of Court is directed to CLOSE this case.

¹ This matter has been reassigned to the undersigned upon the death of the Honorable James M. Munley.

4. Any appeal from this order is deemed frivolous and not in good faith.
See 28 U.S.C. § 1915(a)(3).

s/ Robert D. Mariani _____

Robert D. Mariani
United States District Judge